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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**INCOME TAX REFERENCE NO.54 OF 1994**

The Commissioner of Income-tax ..Applicant.

V/s.

Narang Hotels P. Ltd. ..Respondent.

Mr.Ashok Kotangale for applicant.

Ms.Beena Pillai i/b. D.M.Harish & Co. for respondent.

**CORAM : F.I.REBELLO AND**
**J.P.DEVADHAR, JJ.**

**DATED : 1ST AUGUST, 2007.**

**P.C. :-**

The following question was referred to us for consideration:-

> " Whether, on the facts and in the circumstances of the case and in law, the Appellate Tribunal was justified in holding that the assessee was entitled to deduction under section 80-J of the Act, 1961 ? "

2. This question has been answered against the assessee in the case of **Indian Hotels Co. Ltd. V/s. ITO (SC)** reported in **(2000) 245 ITR 538 (SC)** and **C.I.T. V/s. Berry's Hotels P. Ltd. (Bom.)** reported in **(1994) 207 ITR 615 (Bom)**.

3. Even though the tax effect is less than Rs.4 lakhs as the isssue has been held by the Judgment of this Court as well as the Supreme Court in favour of the revenue, the question is answered in favour of the revenue and against the assessee.

4. Reference disposed of accordingly.

**(F.I.REBELL0, J.)**

**(J.P.DEVADHAR, J.)**